

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Require
California Natural Gas and Electric Utilities to
Preserve Interstate Pipeline Capacity to
California.

Rulemaking 02-06-041

**ADMINISTRATIVE LAW JUDGE'S RULING CLARIFYING
FILING DATES FOR COMPLIANCE REPORTS**

Summary

This Administrative Law Judge's (ALJ) ruling clarifies the filing dates for compliance reports, as ordered in Decision (D.) 02-07-037, by the utilities. Quarterly compliance reports are due at the end of each quarter on a regular calendar year basis.

Background

D.02-07-037, The El Paso Capacity Turnback Decision, issued by the Commission on July 17, 2002, ordered Southern California Gas Company (SoCalGas), San Diego Gas & Electric Company (SDG&E), Southern California Edison Company (Edison), Pacific Gas and Electric Company (PG&E), and Southwest Gas Corporation (Southwest Gas) (collectively, the utilities) to acquire turned back capacity on the El Paso Natural Gas Pipeline (El Paso) to the extent replacement shippers did not sign up for this capacity. As a corollary to this directive, the decision also ordered the utilities to file a report with the Energy Division (ED) stating the amount of turned back capacity, and at what delivery points, to which they subscribed. Paragraph B.4 of Appendix A to the decision

stated that the utilities “shall report quarterly to the ED on any short-term capacity releases.”

Since the issuance of D.02-07-037, the utilities have properly begun to file their compliance reports on short-term releases of capacity with the ED.

However, there is no uniformity as to the dates on which each individual utility is making its compliance filing.

On December 26, 2002, Commissioner Lynch and I issued a Scoping Memorandum setting forth the scope of issues and procedural schedule for Phase II of this proceeding. The date of January 24, 2003, was established as the date when compliance filings were due by the utilities—with a footnote annotation that January 24 was also the date for updates for the utilities that had already made compliance filings. Because D.02-07-037 did not specify a date certain for each utility’s compliance filing, there has been some inconsistency in when the utilities have been making their compliance filings as illustrated by the chart below:

	PG&E	SCE	SoCal	SDG&E	SwGas
Oct-15-02	X				
Nov-15-02		X			X
Dec-10-02			X	X	
Jan-24-03	X	X	X	X	
Feb-18-03		X			
Feb-19-03					X
Feb-25-03	X				

Discussion

In the interest of the utilities and Ed for consistency in filing dates, the Commission is requiring the utilities to file the quarterly compliance reports as specified in Paragraph B. 4 of Appendix A in D.02-07-037 of each quarter on a regular calendar basis. To the extent a utility has already filed a report for any month(s) in the first quarter of 2003, that utility shall up-date its report on

March 31st. Once this update has been filed, each utility that acquired capacity pursuant to R.02-06-041 and ordered in D.02-07-037, shall file its quarterly compliance report at the end of each quarter of a regular calendar year.

IT IS RULED that each utility subject to the compliance report-filing requirement set forth in D.02-07-037 shall file compliance reports on a quarterly basis based on a regular calendar year, from March 31, 2003, forward.

Dated March 18, 2003, at San Francisco, California.

/s/ Carol Brown
Carol Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Clarifying Filing Dates for Compliance Reports on all parties of record in this proceeding or their attorneys of record.

Dated March 18, 2003, at San Francisco, California.

/s/Antonina V. Swansen

Antonina V. Swansen

N O T I C E

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